

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST, *et al.*,  
individually and on behalf of a class of all others  
similarly situated,

Plaintiffs,

v.

CITY OF BUFFALO, N.Y., *et al.*,

Defendants.

No. 1:18-cv-00719-CCR

**PLAINTIFFS' CONSENT MOTION  
TO MODIFY THE SCHEDULING ORDER**

With the consent of Defendants, Plaintiffs respectfully move for an extension of ninety days to the scheduling deadlines presently set by the Court's scheduling order. *See* ECF Nos. 127, 128. The new proposed schedule is as follows:

<b>Deadlines</b>	<b>Current Date</b>	<b>Modified Date</b>
Deadline for completion of fact discovery	March 8, 2022	June 6, 2022
Deadline for motions to compel discovery	March 8, 2022	June 6, 2022
Deadline for service of Initial Expert Reports	May 1, 2022	August 1, 2022
Deadline for service of Rebuttal Expert Reports	June 1, 2022	August 30, 2022
Deadline for completion of all expert discovery (incl. expert depositions)	June 22, 2022	September 20, 2022
Deadline for Dispositive Motions	July 25, 2022	October 24, 2022

In support of this Motion, Plaintiffs state:

1. Under the present schedule, the deadline for completion of fact discovery and any accompanying motions to compel is March 8, 2022. The Court has set additional deadlines, leading to a dispositive motion deadline of July 25, 2022.

2. On December 28, 2021, the Court held a hearing on Plaintiffs' motion to compel discovery and motion for sanctions. *See* ECF No. 129. After the hearing, the Court entered an order requiring Defendants to produce, among other things, additional ESI by February 11; ECAC project files and Housing Unit/Strike Force overtime reports by February 28; and certain e-mails for ECAC custodians by April 15. *See* ECF No. 131. Accordingly, an extension of the fact discovery deadline is necessary in order for Defendants to complete production of these documents and for Plaintiffs to review them.

3. The parties continue to proceed with depositions. Plaintiffs completed the deposition of Philip Serafini on December 27, 2021. Plaintiffs completed the deposition of Daniel Derenda on January 10, 2022.

4. On February 3, Plaintiffs noticed five additional depositions: Michael Quinn, Thomas Whelan, Kevin Brinkworth, Lance Russo, and Patrick Roberts. The parties are working together to schedule these five depositions, and Plaintiffs expect to complete them in March or soon thereafter. Plaintiffs expect to request additional depositions after reviewing Defendants' additional document productions. Plaintiffs anticipate that the process of taking remaining depositions will require several months, and cannot be completed in the less than one month remaining until the end of fact discovery.

5. For the reasons set forth above, good cause exists to justify this request to extend the discovery and dispositive motion deadlines by three months.

6. Accordingly, Plaintiffs, with the consent of Defendants, respectfully request the modifications set forth above.

WHEREFORE, Plaintiffs respectfully request that the Court modify the schedule as proposed.

Dated: February 24, 2022

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2022, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Western District's Local Rules, and/or the Western District's Case Filing Rules & Instructions upon all counsel registered through the ECF System.

/s/ Jordan Joachim